

John P. Schnurer (CA SBN 185725)
schnurer@fr.com
Cheng (Jack) C. Ko, SBN 244630
ko@fr.com
Ryan P. O'Connor, SBN 253596
oconnor@fr.com
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Attorneys for Plaintiff
ASUSTEK COMPUTER, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ASUSTEK COMPUTER, INC.,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant.

Case No. 08-CV-602-JM (WMC)

**JOINT MOTION FOR PLAINTIFF
ASUSTEK COMPUTER, INC. TO FILE
FIRST AMENDED COMPLAINT**

Judge: Hon. Jeffery T. Miller
Courtroom: 16

Complaint Filed: April 2, 2008

WHEREAS ASUSTeK Computer, Inc. ("ASUS") filed an action against International Business Machines ("IBM") alleging infringement U.S. Patents Nos. 6,041,346 and 7,103,765 (collectively "the patents-in-suit") on April 2, 2008;

AND WHEREAS IBM filed an Motion for More Definite Statement on April 23, 2008;

AND WHEREAS the parties have met and conferred and resolved this issue without further court involvement;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties, as follows:

- (1) ASUS may file an amended complaint to add exemplary accused products;
- (2) IBM withdraws its motion for more Definite Statement in light of ASUS's amended complaint which addresses IBM's issues noted in its Motion; and

1 (3) The parties stipulate that IBM shall have 20 days to provide a responsive pleading
2 to ASUS's First Amended Complaint.
3

4 DATED: May 16, 2008

FISH & RICHARDSON P.C.

5
6 By: 

John P. Schnurer

7 Attorneys for Plaintiff ASUSTeK Computer,
8 Inc.

9 DATED: May 16, 2008

10 QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

11 By: 

Jeffrey N. Boozell

12 Attorneys for Defendant

13 International Business Machines Corporation
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on May 16, 2008 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

s/ John P. Schnurer
John P. Schnurer (CA SBN 185725)
schnurer@fr.com
Attorneys for Plaintiff
ASUSTEK COMPUTER, INC.

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